

1-1 By: Ellis S.B. No. 1309  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Business and Commerce;  
1-4 April 18, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1309 By: Lucio

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to member restrictions for commissioners of the Texas  
1-11 Workforce Commission.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 301.003, Labor Code, is amended to read  
1-14 as follows:

1-15 Sec. 301.003. MEMBER RESTRICTIONS. (a) In this section:

1-16 (1) "Business" does not mean personal investment in real  
1-17 property, financial instruments or tangible assets, or the  
1-18 provision of personal services, other than workforce services in  
1-19 the State of Texas, as an independent contractor.

1-20 (2) ~~["~~ "Texas trade association" means a cooperative and  
1-21 voluntarily joined statewide association of business or  
1-22 professional competitors in this state designed to assist its  
1-23 members and its industry or profession in dealing with mutual  
1-24 business or professional problems and in promoting their common  
1-25 interest.

1-26 (b) A member of the commission or the member's spouse may  
1-27 not be employed by ~~engage in~~ any ~~other~~ business~~, vocation,~~ or  
1-28 other organization receiving money from the commission  
1-29 ~~employment~~ during the member's term on the commission.

1-30 (c) A person may not be a member of the commission or an  
1-31 employee of the commission employed in a "bona fide executive,  
1-32 administrative, or professional capacity," as that phrase is used  
1-33 for purposes of establishing an exemption to the overtime  
1-34 provisions of the federal Fair Labor Standards Act of 1938 (29  
1-35 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

1-36 (1) the person is an officer, employee, or paid  
1-37 consultant of a Texas trade association in the field of labor,  
1-38 business, workforce development, child care, or career schools and  
1-39 colleges; or

1-40 (2) the person's spouse is an officer, manager, or paid  
1-41 consultant of a Texas trade association in the field of labor,  
1-42 business, workforce development, child care, or career schools and  
1-43 colleges.

1-44 (d) A person may not serve as a member of the commission if  
1-45 the person or the person's spouse:

1-46 (1) is employed by or participates in the management  
1-47 of a career school or college or a business entity or other  
1-48 organization receiving money from the commission;

1-49 (2) owns or controls, directly or indirectly, more  
1-50 than a 10 percent interest in a career school or college or a  
1-51 business entity or other organization receiving money from the  
1-52 commission; or

1-53 (3) is registered, certified, licensed, permitted, or  
1-54 otherwise authorized by the commission; for purposes of this  
1-55 subdivision, "registered, certified, licensed, permitted, or  
1-56 otherwise authorized by the commission" does not include the  
1-57 following:

1-58 (A) the commission's role under Subtitle A; or  
1-59 (B) employment of domestic service workers under  
1-60 Section 201.027.

1-61 (e) If a member of the commission or the member's spouse is  
1-62 engaged in any other employment, the member of the commission shall  
1-63 refrain from voting on or participating in any commission decision

that involves the other employment.

(f) A member of the commission or the member's spouse may not enter into a contract, either directly with a local workforce development board or with an entity that contracts with a local workforce development board, under which the member or the member's spouse receives compensation for services provided by the member or the member's spouse.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

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